

April 25, 2003

Writer's Direct Dial/E-mail:  
(410)659-1312 [mfried@wcslaw.com](mailto:mfried@wcslaw.com)

The Honorable William M. Nickerson  
United States District Court for the District of Maryland  
Garmatz Federal Courthouse  
101 W. Lombard Street  
Baltimore, MD 21201

Re: Beth O. Scott v. Life Insurance Company of North America  
Case No.: WMN 03 CV 524  
United States District Court for the District of Maryland

Dear Judge Nickerson:

This letter serves as Defendant, Life Insurance Company of North America's status report, pursuant to the April 14, 2003 Scheduling Order issued in this matter.

It is Defendant's contention that discovery is not appropriate or allowed in this case since the Court's review in this matter will be based solely on the existing administrative record, and this is so regardless of whether its review is under the abuse of discretion standard (which Defendant contends is applicable) or a *de novo* standard (which Plaintiff contends). However, Defendant has been advised that Plaintiff intends to request time for discovery, and if this Court ultimately allows discovery, Defendant requests 15 hours for depositions of witnesses, if needed.

There are no motions currently pending. Defendant intends to file a dispositive motion for summary judgment on or before the September 26, 2003 dispositive motions deadline. If, after the resolution of Defendant's motion, trial is necessary, this case will be tried non-jury and Defendant anticipates trial lasting approximately three days.

There have been no substantive settlement discussions between the parties as of this date. Since this case will likely involve cross-motions for summary judgment filed on or before the September, 2003 motions deadline, Defendant does not believe an

early settlement/ADR conference would be productive before that time and that such a conference should only be set in after the resolution of any dispositive motions, if needed.

The Defendant does not consent to proceed before a United States Magistrate Judge.

If you have any questions or concerns or require additional information, please do not hesitate to contact me.

Respectfully,

Monte Fried

acg/

cc: Carrie J. Feit, Esq. (via e-filing)  
Howard J. Bernstein, Esq. (via U.S Mail)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(SOUTHERN DIVISION)**

BETH O. SCOTT

\*

Plaintiff

\*

v.

\*

Civil Action No.: WMN 03 CV 524

LIFE INSURANCE COMPANY  
OF NORTH AMERICA

\*

\*

Defendant

\*

\* \* \* \* \*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 25<sup>th</sup> day of April, 2003, a copy of Monte Fried's April 25, 2003 status report letter to The Honorable William M. Nickerson, which was electronically filed in this case on April 25, 2003, was mailed via first class mail, postage prepaid, to: Howard J. Bernstein, Esq., Greenberg & Bederman, LLP, 1111 Bonifant Street, Silver Spring, MD 20910.

---

Monte Fried  
U.S.D.C. Bar No.: 00363  
Wright, Constable & Skeen, LLP  
One Charles Center  
100 N. Charles Street, 16<sup>th</sup> Fl.  
Baltimore, MD 21202  
(410) 659-1312  
(410) 659-1350 (FAX)

Attorneys for Defendant,  
Life Insurance Company of  
North America